

9Av. 1657  
#8

SHMET.002A2

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John G. Babish, et al. ) Group Art Unit 1651  
App. No. : 09/919,506 )  
Filed : July 31, 2001 )  
For : COMBINATIONS OF SESQUITERPENE )  
LACTONES AND DITERPENE )  
LACTONES OR TRITERPENES FOR )  
SYNERGISTIC INHIBITION OF )  
CYCLOOXYGENASE-2 )  
Examiner : Patricia A. Patten )

RECEIVED

JAN 24 2003

TECH CENTER 1600/2900

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). The original Assignment from the inventors to Ashni Naturaceuticals, Inc. dated November 7, 2001 was prepared by Applicants' previous counsel, who erroneously referred to the Application No. of the present application as 09/916,605. Compounding the error, Applicants' previous counsel erroneously recorded this assignment using a cover sheet identifying the application as Application No. 09/919,349. This erroneous recordation was completed on January 4, 2002 at Reel 012431, Frame 0405.

Because no assignment had been previously recorded, when Ashni assigned its rights in the application to the present Assignee, an assignment was prepared directly from the inventor to Assignee. This assignment has been submitted to the Assignment Branch for recordation, and was received on October 25, 2002; however, recordation information has not yet been received.

App. No. : 09/919,506  
Filed : July 31, 2001

Accordingly, a copy of the Assignment of the above-captioned application from the inventors to the Assignee is attached hereto. Also enclosed is a Confirmation of Assignment from Ashni, indicating that all of its rights have been transferred to the present Assignee. The documents referred to herein represents the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

MetaProteomics, LLC

Dated: 12/19/02

By 

Title: Chief Financial Officer & Secretary

Address: c/o Metagenics, Inc.  
100 Avenida La Pata  
San Clemente, CA 92673

Application No.: 09/919,506  
Filing Date: July 31, 2001

COPY

RECEIVED

JAN 24 2003

PATENT

Serial Code: ASHMET.002A2

Page 1

TECH CENTER 1600/2900

ASSIGNMENT

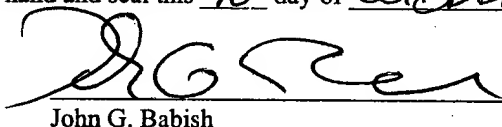
WHEREAS, We, **John G. Babish**, a citizen of the United States of America citizen, residing at 508 White Church Road, Brooktondale, NY 14817, **Terrence M. Howell**, a citizen of the United States of America, residing at 288 Groton Road, Freeville, NY 13068 and **Linda M. Pacioretty**, a citizen of the United States of America, residing at 508 White Church Road, Brooktondale, NY 14817, have invented certain new and useful improvements in a **COMBINATIONS OF SESQUITERPENE LACTONES AND DITEPENE LACTONES OR TRITERPENES FOR SYNERGISTIC INHIBITION OF CYCLOOXYGENASE-2** for which we have filed an application for Letters Patent in the United States, Application No. 09/919,506, filed July 31, 2001;

AND WHEREAS, **MetaProteomics, LLC**, (hereinafter "ASSIGNEE"), a California Limited Liability Company, with its principal place of business at c/o Metagenics, Inc., 100 Avenida La Pata, San Clemente, CA 92673, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16<sup>th</sup> day of OCTOBER, 2002



John G. Babish

STATE OF NEW YORK

COUNTY OF TOMPKINS

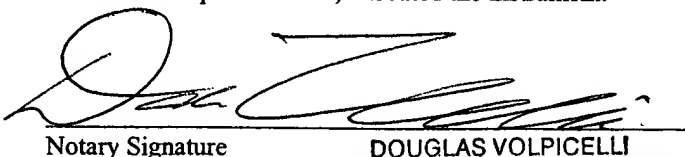
ss.

COPY

On 10-16-02, before me, DOUGLAS VOLPICELLI, personally appeared **John G. Babish** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

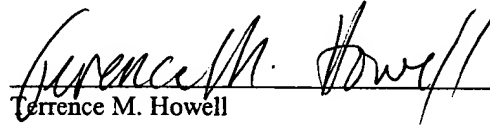


Notary Signature

**DOUGLAS VOLPICELLI**  
Notary Public, State of New York  
No. 01VO4878098  
Qualified in Tompkins County  
Commission Expires Nov. 24, 2002

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 17 day of October, 2002.

  
Terrence M. Howell

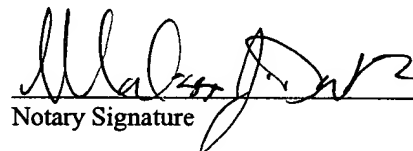
STATE OF New York }  
COUNTY OF Tompkins } SS.

On October 17, 2002 before me, Terrence M. Howell, personally appeared **Terrence M. Howell** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.


WITNESS my hand and official seal.

[SEAL]

**Melissa J. Detrick**  
Notary Public No. 01-5001229  
Tompkins County, New York State  
Commission Expires Aug 31 2006

  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16th day of October, 2002.

  
Linda M. Pacioretty

STATE OF NEW YORK }  
COUNTY OF TOMPKINS } SS.

COPY

On OCT 16, 2002 before me, DOUGLAS VOLPICELLI, personally appeared Linda M. Pacioretty personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

  
Notary Signature

**DOUGLAS VOLPICELLI**  
Notary Public, State of New York  
No. 01VO4878098  
Qualified in Tompkins County  
Commission Expires Nov. 24, 2002